

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF SCOTT

APR 02 2009<sup>A</sup>

FIRST JUDICIAL DISTRICT

SCOTT COUNTY COURTS

File No. 70-CV-09- 7343

In re M.W. Johnson Construction, Inc.,  
Mechanic's Lien Foreclosure Litigation.

**ORDER 2:  
ORDER CHANGING  
VENUE TO SCOTT  
COUNTY**

TO: District Court Administrators, State of Minnesota.

By order dated March 31, 2009, Eric J. Magnuson, Chief Justice of the Minnesota Supreme Court, appointed the undersigned to hear and decide all matters, including pretrial and trial proceedings, in the cases identified in Addendum A attached hereto.<sup>1</sup>

The Court notes that 84 Lumber Company v. M.W. Johnson Construction, Inc., et al., Court File Number 19-HA-CV-08-1269, was previously consolidated with Stewart Plumbing, Inc. v. Jacob C. Bursott, et al., Court File Number 19-HA-CV-08-2205, but the file was not closed. Because these matters have been consolidated, Court File Number 19-HA-CV-08-1269 is included within the Minnesota Supreme Court's Order for consolidation before the undersigned. The Court Administrator is directed to treat this file as if it were included in Addendum A.

The Court has also identified Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al., Court File Number 70-CV-08-12697, as a matter venued in Scott County that involves similar parties and issues as those assigned by the Minnesota Supreme Court. Consequently, the Court is willing to entertain requests to

<sup>1</sup> The Court notes that a typographical error is present on Addendum A as issued by the Minnesota Supreme Court. Automated Building Components, Inc. v. M.W. Johnson Construction, Inc. should be Court File Number 86-CV-08-5229 rather than 86-CV-08-5529.

have the matter assigned to the undersigned and have it treated in the same manner as the cases assigned by the Minnesota Supreme Court's Order.

Pursuant to the Order of the Minnesota Supreme Court, the undersigned issues the following order.

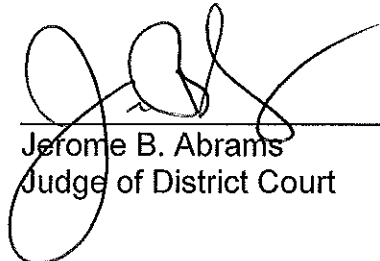
IT IS ORDERED:

1. That the venue of all Minnesota state court cases identified in Addendum A and 84 Lumber Company v. M.W. Johnson Construction, Inc., et al., Court File Number 19-HA-CV-08-1269, shall be maintained in or transferred to Scott County, First Judicial District, State of Minnesota.

2. The district court administrators of Minnesota districts other than the First Judicial District, Scott County, shall transfer all cases identified in paragraph 1 of this order to the Scott County District Court, First Judicial District, State of Minnesota, upon receipt of this order.

Dated: April 1, 2009

BY THE COURT:

  
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Jerome B. Abrams  
Judge of District Court

**ADDENDUM A**

**In Dakota County, First Judicial District**

*Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.*  
Court File No. 19HA-CV-08-1621

*Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.*  
Court File No. 19HA-CV-08-1622

*Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.*  
Court File No. 19HA-CV-08-1623

*Stewart Plumbing, Inc. v. John S. Dwyer, et al.*  
Court File No. 19HA-CV-08-1880

*Stewart Plumbing, Inc. v. Jacob C. Bursott, et al.*  
Consolidated Court File No. 19HA-CV-08-2205

*Stewart Plumbing, Inc. v. Roy Carlstrom, et al.*  
Court File No. 19HA-CV-08-2206

*Stewart Plumbing, Inc. v. Melissa Johnson, et al.*  
Court File No. 19HA-CV-08-2523

*Ryan Contracting Company v. Sunrise Ponds, LLC, et al.*  
Court File No. 19HA-CV-08-5371

**In Scott County, First Judicial District**

*Superior Masonry & Concrete, Inc. v. M.W. Construction, Inc., et al.*  
Consolidated Court File No. 70-CV-08-10431

*Stewart Plumbing, Inc. v. Alex Hernandez, et al.*  
Court File No. 70-CV-08-12187

*Stewart Plumbing, Inc. v. Eric Wegner, et al.*  
Court File No. 70-CV-08-12388

*Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction, Inc., et al.*  
Court File No. 70-CV-08-12692

*Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction Inc., et al.*  
Court File No. 70-CV-08-12696

*Wenzel Plumbing & Heating, Inc. v. M.W. Johnson Construction Inc.*  
Court File No. 70-CV-08-12698

*Stewart Plumbing, Inc. v. Nicole Bruch, et al.*  
Court File No. 70-CV-08-14651

*Stewart Plumbing, Inc. v. Hector and Yudi Revolorio, et al.*  
Court File No. 70-CV-08-14381

*Stewart Plumbing, Inc. v. William H. Bursott, et al.*  
Court File No. 70-CV-08-15902

**In Wright County, Tenth Judicial District:**

*Stewart Plumbing, Inc. v. Thomas R. Sansom, et al.*  
Court File No. 86-CV-08-5039

*Stewart Plumbing, Inc. v. Dawn Cox, et al.*  
Court File No. 86-CV-08-5154

*Automated Building Components, Inc. v. M.W. Johnson Construction, Inc.*  
Court File No. 86-CV-08-5529

*Mechanical Energy Systems, Inc. v. James L. Bystrom, et al.*  
Court File No. 86-CV-08-7349

**In Hennepin County, Fourth Judicial District**

*Stewart Plumbing, Inc. v. Peter A. Lucs, et al.*  
Court File No. 27-CV-08-22702

**In Blue Earth County, Fifth Judicial District:**

*Wenzel Plumbing & Heating, Inc. v. Jared J. Kral, et al.*  
Court File No. 07-CV-08-1744